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**Hearing Date: June 15, 2022**

**Hearing Time: 10:00 a.m. (EST)**

*Attorneys for Irving H. Picard, Trustee for the  
Substantively Consolidated SIPA Liquidation of  
Bernard L. Madoff Investment Securities LLC and  
the Chapter 7 Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (CGM)

SIPA LIQUIDATION

(Substantively Consolidated)

In re

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Substantively  
Consolidated SIPA Liquidation of Bernard L. Madoff  
Investment Securities LLC and Bernard L. Madoff,

Plaintiff,

v.

FRANK J. AVELLINO, *et al.*,

Defendants.

Adv. Pro. No. 10-05421 (CGM)

**NOTICE OF MOTION FOR PARTIAL SUMMARY JUDGMENT**

**PLEASE TAKE NOTICE** that, upon the accompanying Memorandum of Law, the Statement of Material Facts in Support of Trustee's Motion for Partial Summary Judgment, the Declarations of Regina Griffin, Bruce G. Dubinsky, Lisa M. Collura, and Matthew B. Greenblatt in Support of Trustee's Motion for Partial Summary Judgment, with all exhibits annexed thereto, and upon all the prior pleadings and proceedings herein, Irving H. Picard, as trustee (the "Trustee") for the liquidation of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa–*lll*, and the substantively consolidated chapter 7 estate of Bernard L. Madoff, by and through his counsel, moves this Court, before the Honorable Cecelia G. Morris, United States Bankruptcy Chief Judge for the Southern District of New York, at the United States Bankruptcy Court for the Southern District of New York, One Bowling Green, New York, NY 10004-1408, on **June 15, 2022 at 10:00 a.m.**, or as soon thereafter as counsel may be heard, for an order granting the Trustee's motion for partial summary judgment (the "Motion") on Counts I and XIII of the Trustee's Amended Complaint against the Summary Judgment Defendants (as defined in the accompanying Memorandum of Law), and for an award of prejudgment interest pursuant to Rule 7056 of the Federal Rules of Bankruptcy Procedure and Rule 56 of the Federal Rules of Civil Procedure, together with such other and further relief as this Court deems just and proper.

**PLEASE TAKE FURTHER NOTICE** pursuant to the Court's directive, all hearings will be conducted remotely pending further Order of the Court. All parties who wish to participate in the Hearing must refer to Judge Morris' guidelines for remote appearances and are required to make arrangements to appear via ZoomGov. For further details on ZoomGov, please call the Courtroom Deputy at (845) 451–6367. Further instructions regarding remote appearances via ZoomGov can be found on the Court's

website at <https://www.nysb.uscourts.gov/zoom-video-hearing-guide>. Pro se parties may participate telephonically in hearings free of charge.

**PLEASE TAKE FURTHER NOTICE** that Defendant's Opposition to Trustee's Motion shall be served and filed on or before April 5, 2022 and the Trustee's reply papers shall be served and filed on or before May 23, 2022. Hearing on the Trustee's motion shall take place on June 15, 2022 or as soon thereafter as counsel may be heard.

Dated: February 3, 2022  
New York, New York

/s/ Regina L. Griffin  
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Substantively Consolidated SIPA  
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Securities LLC and the Chapter 7 Estate of Bernard  
L. Madoff*